

REMARKS

Applicant(s) and applicant's attorney express appreciation to the Examiner for the courtesies extended during the recent interview held on April 15, 2005. The claim amendments made by this paper are consistent with the proposals discussed during the interview. By this paper, claims 1, 2, 6, 7, 9-11, 18, 20, 24-26, 27, 29, 30, 31, and 34 have been amended. Accordingly, claims 1-35 remain pending, of which method claims 1, 18, 24, and 31 and computer program product claim 27 are the independent claims at issue.

As defined in independent claim 1, applicants' inventive method is directed to restructuring a broadcast and comprises generating viewing behavior information at a first home entertainment system. The viewer behavior information indicates that a video tuner is tuned to a selected channel from among a plurality of channels of viewable moving image data included in a broadcast. Next, claim 1 defines combining viewing behavior information from the first home entertainment system with viewing behavior information from other home entertainment systems. Lastly, claim 1 includes dynamically restructuring the broadcast of at least the selected channel, by at least restructuring the viewable moving image data, and without having to change allocated bandwidth to said selected channel, based on the combined viewing behavior information so as to optimize the use of fixed bandwidth.¹

Independent method claim 18 and its computer program product counterpart (e.g., claim 27) and method claims 24 and 31 claim the method in terms similar to those of claim 1, except that the steps recited in claim 1 have been replaced by specific acts.

¹ Support for tuning to a selected channel from among a plurality of channels of viewable moving image data is found for example, at page 10, lines 7-9, page 14, lines 1-10, and page 15, lines 6-13. Support for viewing behavior information can be found, for example, at page 14, line 21. Support for restructuring viewable moving image data, can be found, for example, at page 21, lines 2-11. Many of the listed changes at page 21, lines 2-11 can be implemented without having to change allocated bandwidth to a channel.

In the office action, each of the independent claims, 1, 18, 24, 27, and 31 were rejected using Rudrapatna (U.S. Pat. No. 5,592,470) as the primary reference.^{2 3}

Rudrapatna is directed to a wireless network architecture providing broadband/narrowband service with optimal static and dynamic bandwidth/channel allocation. (Title). The disclosed architecture can be used to supply basic telephone service, wireless ISDN service, wireless data service, wireless multimedia service and various other wireless broadband services. (Abstract). Bandwidth-on-demand is provided by rearranging spectrum allocations so that a particular band spectrum is convertibly used to accomplish different purposes depending on present allocations and active applications of the system (Abstract). As defined by Rudrapatna a channel is a block of continuous spectrum assigned to a particular class of service. (Col. 8, lines 48-50). Rudrapatna further discloses statically and dynamically allocating and reallocating channels (or blocks of continuous spectrum, i.e., bandwidth) for service classes (Col. 5, line 1- Col. 6, lines 30).

However, as pointed out at the interview, none of the cited references or other prior art of record, either singly or in combination, anticipate or make obvious, Applicant's inventive method for restructuring a broadcast. In particular, none of the references of record anticipate or make obvious restructuring the broadcast of at least a selected channel, by at least restructuring viewable moving image data, and without having to change allocated bandwidth to said selected channel, based on combined viewing behavior information. For at least these reasons Applicants

² In the office action, claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rudrapatna in view of Blasko (U.S. Pat. Appl. Pub. No. 2001/0049620). Claims 18, 24, 27, and 31 were rejected under 35 U.S.C. § 102(b) as being anticipated by Rudrapatna. With respect to claim 1, Blasko was cited for disclosing "user behavior information was generated locally and transmitted to a central source to provide a novel profiling scheme for television environments which protected the privacy of the consumer. (Office Action, page 15, first paragraph).

³ All the dependent claims were also rejected under either 35 U.S.C. § 103(a) and 35 U.S.C. § 102(b) using Rudrapatna.

respectfully submit that the cited art fails to anticipate or make obvious claims 1, 18, 24, 27, and 31. Favorable reconsideration and allowance over the prior art is thus respectfully requested.⁴

Next, the title of the invention was objected to as not being descriptive. The title of the invention has been amended to more clearly indicate the invention. Accordingly, the Examiner is requested to reconsider and withdraw this ground for rejection.

Lastly, claims 10, 18, 27 and 31 were objected to for various informalities. More specifically, claim 10 was objected to because "the signal source" on line 2 should be changed to "a signal source." Claim 10 has been amended in the appropriate location⁵ to recite "a signal source".

Claims 18 and 27 were objected to because "system tuned" on line 8 should read "system is tuned" and line 12 should read "systems are tuned". Claim 27 requires the same corrections. Claims 18 and 27 have been amended in the appropriate locations to recite "system is tuned" and "systems are tuned".

Claim 31 was objected to because "ore" on line 7 should be replaced with "more" and "format" at line 8 should be replaced with "from at". Claim 31 has been amended in the appropriate locations to recite "more" and "from at."

Accordingly, the Examiner is requested to reconsider and withdraw these formal grounds for rejection.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

⁴ Further, each of the dependent claims depend from one of the independent claims 1, 18, 24, 27, and 31 and thus inherit all the limitations of one of claims 1, 18, 24, 27, and 31, accordingly none of the cited references or other prior art of record, either singly or in combination, anticipate or make obvious any of these pending dependent claims.

⁵ Actual line numbers may differ due to font size and page formatting options of this response.

Dated this 4th day of May, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger", with a stylized flourish at the end.

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